

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19

ROCKWELL COLLINS FLIGHT DYNAMICS

Employer  
and

Case 36-RC-5998

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE 24, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officers rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act

All fulltime and regular part-time hourly production and maintenance employees employed by the Employer at Its Portland, Oregon facility, including the operations warehouse and shipping and receiving; excluding all Service Center employees (including the Center's shipping or receiving employees), Document Control Center employees, office clerical employees, confidential employees, professional employees, guards and supervisors as defined in the Act.

The Employer is engaged in Portland, Oregon in the production, repair and upgrading of a cockpit device on commercial, military transport and business jets, referred to as an "overhead holographic display". From what can be discerned from the record, the device projects information used by the pilot - such as airspeed, heading, and altitude - in front of the pilot. holographically. Apparently this permits the pilot to monitor the information without looking downward at instruments for the information at critical times, such as landing. The system (herein called "the System" whether referring to current or past models) is highly computerized, and integrated with ground-based instrument landing information.

The Union seeks a production and maintenance unit, which the Employer does not dispute in principle. However, the Union also seeks the Customer Service Center employees, Document Control employees, Quality Control employees in the production area, and Mike Zinno, an inspector in Customer Service. The Employer seeks the exclusion of all of this latter group.

The parties agreed to the exclusion of Melody Rassmussen and Vanessa Soileau as confidential employees and Mike Garcia as an office clerical employee.

It appears that the Portland plant is the site where all of the Employers current Systems are manufactured. The Employer also repairs and upgrades its Systems at 14 service centers around the world, including one attached to the Portland facility. The Employer is highly regulated by varying elements of the FAA, as well as a consortium of international authorities similar to the FAA in their respective jurisdictions. This involves voluminous and continuous detailed regulations and documentation concerning materials and components, methodology for testing, testing of sub-assemblies and completed systems, who performed each step, who inspected each step, serial numbers, training, training of trainers, and records retention.

Administratively, the Portland facility is headed by a vice-president. Reporting to him are the Directors of Programs and Certifications; Finance and Administration; Airline Marketing; Engineering; Products and Customer Support, and Operations. Also reporting directly to him are the Manager of Human Resources and the Senior Managers of Corporate and Military Aircraft Marketing. AP of the individuals in dispute fall under either Operations or Customer Support.

Reporting to the Director of Operations are the Materials Manager, Manufacturing Manager and QA Manager. The Materials Manager is responsible for the operation of the warehouse and apparently shipping and receiving for manufacturing. The Manufacturing Manager is in charge of the various elements of the actual production of the System. The QA Manager covers inspection of the production aspects of the operation (but not the Customer Service Center), Data Clerks, and Document Control.

The record does not reflect the production or assembly process. We don't know if the facility, for instance, fabricates circuit boards, installing individual resistors, transistors and other components and soldering, or whether pre-fabricated components and circuit boards are simply received and assembled into a System. There is a machine shop and toolmakers. There are various kinds of technicians that specialize in various components of the System, and assemblers. All of these classifications are included in the Unit. In any event, in due course a product is emitted.

## **Quality Control**

The QA Manager is Dean Sandifer. Reporting to him are Rabindra Naraya, the QA and Reliability Manager, who supervises 6 inspectors and 4 data clerks; and Gilbert McCutcheon, the Tech Services Supervisor, who is in charge of the 7 Document Control Clerks.

The inspectors have varying responsibilities. There is one in the stockroom, inspecting end documenting incoming materials and assemblies in a segregated space. There is one in-process inspector, who makes inspections as the System is constructed or assembled; he is stationed in the center of the production area. There are four inspectors in the test area; they apparently make inspections or tests on completed components and then on the completed System. In addition, there is a head inspector. These latter inspectors work in areas off the production area, in a segregated, enclosed area. This is done both to avoid distraction and because of the desire to separate the inspection function from the manufacturing function.

The data clerks keep track of the voluminous data and records concerning the multiple inspections. The Union does not seek these persons, and the Employer does not contend they belong in the Unit.

Some in-process inspection is done by manufacturing personnel of a fellow manufacturing employee's work, when work will be sealed up into a component. Technicians conduct certain tests. A QC person will also periodically monitor the testing process itself to assure compliance with the various protocols.

When an inspector finds a defect on an in-process component, he will try to isolate the problem. It may be a defective part, in which case a reject tag will be made. (The tag may be started by a Production employee.) It may be that a production employee has made an error, or not performed work according to the standards. In that case, the inspector can order a fix, but will not necessarily report the defect to a supervisor. If a series of similar defects is noted, the inspector will report the fact to the supervisor. The inspector does not make a recommendation for action; he merely reports facts.

One of the inspectors previously worked in manufacturing. This is definitely not the ordinary job progression. It does not appear that anyone has gone from inspection to manufacturing. Sometimes an inspector will receive some manufacturing training on how to perform a process, but only to understand the process, not to perform it as part of the production process. There is no indication of any temporary interchange from manufacturing to inspection or vice-versa. The only situation where either group "helps" the other is the intermediate, pre-close-up, testing of some components, performed by employee A on employee B's work. The production inspection function is totally separate in all respects from the Customer Service inspection function.

As a general proposition, quality control personnel are included in a production unit -whether the petitioner seeks inclusion or exclusion - because they tend to be integrated into the production process, have similar wages and benefits, common supervision, regular contact on the work floor and otherwise share common benefits; in other words a community of Interest. See, generally, the collected Board cases in *NLRB V. Lundy Packing Company*, 68 F. 3d 1577 (1995). However, where they are separately located, have separate supervision, and have no regular contact with the production unit, they are excluded. See *United Finish, Div., Beatrice Foods*, 222 NLRB 883(1976), fn. 3.

In the instant case, regrettably, there is insufficient information in the record about how the

QC personnel fit into the production process and merge with the production employees, to make a reasoned decision. We know QCs have a separate space (except for one on the production floor), but we don't know whether, or how frequently, for how long, they appear on the floor in contact with Production employees. We know they have a separate work area, but It is unclear, even from the exhibits, just how close that space is to production employees and whether it is a separate room, or

simply an area with face-high, movable panels. There is no evidence about what or how the QC person in the warehouse integrates with the warehouse personnel. We know QC has separate supervision, but we don't know much about their commonality of wages with the production personnel, or their training. Finally, it is unclear about how an inspector may withdraw an individual's certification to perform an operation, and what the consequences are.

Accordingly, I shall permit the QC personnel associated with Operations - about 7- to vote, subject to challenge.

### **Document Control Center**

Reporting to QA Manager Narayan is also Gilbert McCutcheon, Tech Services Supervisor, who is in charge of the Document Control clerks in the Document Control Center ("DCC"). The function of this group of seven is to be the repository of all Engineering documents. As a new project is conceived, developed and brought to production, step-by-step records are kept of the concept as it develops. This appears to be mostly in the form of drawings and software. These records are kept for obvious internal purposes, but also pursuant to FAA regulations. The documents are used by Engineering, and to a lesser extent Operations. One function of DCC is to control release of documents to those entitled to them; another is to ensure that proper records are in fact maintained.

The DCC is not on the production floor. It has restricted access. If anyone wants a document and can establish the right to receive same, they requisition it from the DCC. The records are pulled, the requester is phoned, and the documents placed in boxes outside the restricted area. The user usually comes to pick them up, without interchange with the DCC employees. Occasionally, a "rush" document will be delivered directly to the user by DCC. There is no indication this involves more than a simple drop-off and return.

The seven employees spend about three person hours daily pulling documents for Engineering, and about half that amount for Operations. The DCC employees combined spend about 25% of their time copying, 25% filing, 40% typing, and the balance performing miscellaneous related tasks. They have little work-related occasion to leave their restricted area, except for the rush deliveries. They never perform Production work. There have been no transfers into or out of DCC from either Customer Service or Production. For budget purposes, DCC is treated as part of the Engineering Department.

Based on the foregoing it is clear that the DCC employees have no community of interest with Operations. They perform typical clerical operations, but are separated administratively from Production. This work is more closely related to Engineering than it is to Production. They are in a separate, restricted area, have little call to enter Production, and their work is not an integral part of the production process. Thus, they are not "plant clericals". Accordingly, I shall exclude them from the Unit.

### **Customer Service**

The Products and Customer Support section is headed by Director Ray Hillman. The section is divided into three groups: Customer Service Engineering, Customer Service Publications and Customer Service Center. Duane Williams is Manager of the Service Center ("Center" herein).

The Engineering section apparently performs engineering only for the Center. (There is a separate Engineering Section headed by its own Director that handles Engineering, for the design and building of new equipment.) Publications writes and publishes Information documentation for customers.

The Center is devoted exclusively to the repair and modification of customer-owned equipment. It is clear from the record that the FAA and other regulatory agencies in other countries, as well as the airlines, demand that Customer Service be distinctly separate from Production. This is certain, although the rationale for this critical separation is never explained in the record. According to unchallenged testimony, these outside parties/customers have further insisted that there be a more pronounced physical separation at the Employer between Customer Service and Production — the current six-foot wall is insufficient. To that end, the Employer has begun moving the entire Center into another, close but separate, building. Some staff has moved there, the plan is well in progress to move more, and the entire Center once the landlord frees more space. The change is to be completed in June 2000.

Currently there is physical and administrative separation of the two portions, even to the extent of there having separate shipping operations. The Center is a separate profit center from Production. Center Personnel wear white coats, Production wear blue. However, there is some sharing of facilities, such as restroom and lunchroom, and parts inventory. There is also sharing of some electronic and optical test equipment. Even then, the distinction between Center and Production is so distinctly maintained, that when Center work is being done by a Center employee, a white lab coat is worn in the area with the shared equipment, while when Production testing is being done, the production tester wears a blue coat. If, as sometimes happens, there is cooperation between the two types of tester employees, they must both wear the same color, depending on the "ownership" of the product being tested. One or two people in Operations, as a backup, can "release" certain kinds of equipment if there is no one in Service present who can do the release. At present, development of equipment designed specifically to test Center product, in the new space, is under way.

Center employees must be trained on and familiar with not only the current models (as are the Production employees), but also on all past models still in service in the industry. They may be called upon to repair or modify any such model. Further, while Production personnel are trained to troubleshoot problems on current models before they leave the plant and are installed, Center personnel must troubleshoot all models, with some diagnosing by phone, taking into account difficulties that can arise from a unit ***actually in service***.

Supervision of the Center is totally separate from Operations. One Center employee has a second chain of command directly to an official at headquarters in Cedar Rapids, Iowa who supervises all 14 worldwide Centers. There has been one transfer from Service to Operations in the past two years, none in the other direction. All Center techs have been hired from outside the company. There is no temporary interchange between the Center and Operations. The Center handles its own training according to protocols reserved for repair facilities. A different FAA facility supervises the Center than the one that monitors Operations. The Center works only the day shift, while Operations has a small evening shift as well.

Based on the foregoing near total separation, I conclude that there is insufficient community of interest to include the Center in the Unit. There is total (now, or will be soon) administrative, supervisory, physical, customer separation. The separation is maintained for internal and external reasons. Accordingly, I shall exclude all Center employees, including Zinno, from the Unit.

There are approximately 52 employees in the unit, plus an additional 7 votes to be challenged.

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporally laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by International Association of Machinists and Aerospace Workers, District Lodge 24, AFL-CIO.

### **LIST OF VOTERS**

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within 7 days of the date of this Decision 4 copies of an eligibility list containing the full names, and addresses of all the eligible voters must be filed with the Officer-in-Charge who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Portland Subregional Office, 601 SW Second Avenue, Suite 1910, Portland, OR 97204-3170, on or before May 30, 2000. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

### **NOTICE POSTING OBLIGATIONS**

According to Board Rules and Regulations, Section 103.20, Notices of Election must be posted in areas conspicuous to potential voters for a minimum of three working days prior to the date of election. Failure to follow the posting requirement may result in additional litigation should proper objections to the election be filed. Section 103.20(c) of the Board's Rules and Regulations requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317

NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

**RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by June 5, 2000.

DATED in Seattle, Washington, this 22<sup>nd</sup> day of May 2000.

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